

# Louisiana Revised Statutes of 1950

## Title 40 – Public Health and Safety

### Chapter 11 – State Department of Hospitals

#### Part XII-A. Pain Management Clinics

*[Editor's Note: The Pain Management Clinic Licensure Law was created by Act 488 of 2005 Legislature, effective July 11, 2005. Subsequent amendments are noted herein.]*

##### **§2198.11. Definitions**

As used in this Part, the following definitions shall apply unless the context clearly states otherwise:

- (1) "Board" means the Louisiana State Board of Medical Examiners.
- (2) "Department" means the Department of Health and Hospitals.
- (3) "Pain management clinic" means a publicly or privately owned facility which primarily engages in the treatment of pain by prescribing narcotic medications.
- (4) "Physician" means an individual who possesses a current, unrestricted license to practice medicine in Louisiana, who during the course of his practice has not been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled dangerous substance and who has not, during the course of his practice, had board action taken against his medical license as a result of dependency on drugs or alcohol.

*(Amended by Act 665 of 2006 Legislature)*

##### **§2198.12. Licensure of pain management clinics; rules and regulations**

- A. Except as provided in Subsection D of this Section, all pain management clinics shall be owned and operated by a physician certified in the subspecialty of pain management by a member board of the American Boards of Medical Specialties. All pain management clinics shall be licensed by the department.
- B. (1) The department shall prescribe and publish minimum standards, rules, and regulations as necessary to effectuate the provisions of this Section. Such rules and regulations shall include but not be limited to all of the following:
  - (a) Operational and personnel requirements.
  - (b) Practice standards to assure quality of care, including the requirement that prescriptions may be written for the medication to last a period of no longer than thirty days without any refills. A refill may be authorized only if the individual is personally examined by the pain specialist.
  - (c) Licensure application procedures and requirements.
  - (d) Initial and annual renewal of license investigations.
  - (e) Complaint investigations.
  - (f) Reimbursement policies, procedures, and requirements.
  - (g) Denial, revocation, and nonrenewal of licenses and the appeals thereof.
- (2) The board shall prescribe and publish minimum standards with respect to pain management clinics and the physicians who may practice in such clinics.
- C. A license issued under the provisions of this Part is not transferable or assignable between persons, pain management clinics, or both.
- D. (1) The following shall apply to pain management clinics operating on or before June 15, 2005, pursuant to an occupational license or certificate of operation which has not been suspended or revoked:
  - (a) The pain management clinic shall not be owned, either in whole or in part, by or have any contractual relationship, whether through employment or by independent contract, with a physician who during the course of his practice has been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled dangerous substance and who has, during the course of his practice, had board action taken against his medical license as a result of dependency on drugs or alcohol.
  - (b) The pain management clinic shall be operated by a medical director who shall be a physician.
  - (c) The pain management clinic shall not be owned in whole or in part by a person who has been convicted of or who has pled guilty or *nolo contendere* to an offense that constitutes a felony.
  - (d) The pain management clinic shall not be owned in whole or in part by a person who has been

convicted of or who has pled guilty or *nolo contendere* to an offense that constitutes a misdemeanor, the facts of which relate to the distribution or illegal prescription of any narcotic.

- (e) The pain management clinic shall operate as an urgent care facility, offering primary or acute health services in addition to caring for those with chronic pain and shall have held itself out to the public as such.
  - (f) The pain management clinic shall implement policies and procedures that are consistent with all pain management regulations issued by the State Board of Medical Examiners.
  - (g) A pain management clinic which is exempted from the requirement of being owned and operated by a physician certified in the subspecialty of pain management may relocate and continue to be exempted from the requirement of being owned and operated by a physician certified in the subspecialty of pain management if the new location is in the same parish in which the original clinic was located.
  - (h) All pain management clinics shall submit to the department all relevant documentation proving valid operation before June 15, 2005, including but not limited to occupational licenses or certificates of operation issued by local authorities.
- (2) A pain management clinic that is not licensed by or has not made an application to the department for licensure under this Part on or before August 1, 2014 shall not be licensed under the exemption to Subsection A of this Section as provided for in this Subsection.

*(Amended by Act 714 of 2014 Legislature, effective June 18, 2014)*

E. The provisions of this Part shall not apply to any of the following:

- (1) A medical or dental school or outpatient clinic associated with a medical or dental school.
- (2) A hospital, including any outpatient facility or clinic of the hospital that is separated physically from the hospital, or any other medical or dental facility that is licensed and regulated by the department.
- (3) A hospice established pursuant to R.S. 40:2181 et seq.
- (4) A facility maintained or operated by the state of Louisiana or a governmental entity of this state.
- (5) A clinic maintained or operated by the United States or by any of its departments, offices, or agencies.

*(Amended by Act 665 of 2006 Legislature)*

### **§2198.13. Annual fee; use of proceeds**

There shall be an annual license fee to be set by the department not to exceed one thousand dollars for any license issued in accordance with the provisions of this Part. Monies collected for annual fees shall be used for the investigation and enforcement of the provisions of this Part.

*[Editor's Note: The administrative rule required by §2198.12(B) was promulgated by the Department of Health and Hospitals at LAC 48:I.Chapter 78, effective January 20, 2008.]*

(end of Part XII-A of Chapter 11)

(end of Title 40)